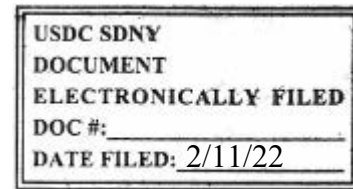


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



United States of America,

—v—

Ghislaine Maxwell,

Defendant.

20-CR-330 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The Court's chambers received the attached letter via email from counsel for the National Association of Criminal Defense Lawyers (NACDL) seeking leave to file an amicus brief regarding the Defendant's motion for a new trial. The Court issues this Order in response.

If any party wishes to file an amicus brief concerning the Defendant's motion for a new trial, it may submit to the Court via email a motion for leave to do so on or before **February 18, 2022**. The Court will only consider such a motion if:

- 1) It is timely submitted by February 18, 2022;
- 2) It is submitted by counsel admitted to practice in the Southern District of New York;
- 3) It indicates whether the Government and the Defendant each either consents to or opposes the motion; and
- 4) States the interest of the potential amicus and why the additional memorandum of law would aid this Court's evaluation of the Defendant's new trial motion.

If the motion for leave to file meets those requirements, the Court will docket the motion and rule on it. Any motion that does not meet those requirements will not be considered by the Court nor docketed. If any motion for leave to file an amicus brief is granted, the party will be

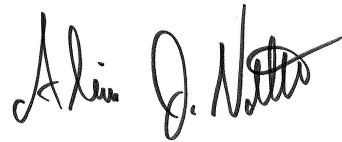
permitted to file an amicus brief not exceeding 10 double-spaced pages. Any authorized amicus brief must be emailed to the Court for docketing within one week of the Court's granting of the motion for leave to file.

The Court provides one note of caution regarding timing. As of Wednesday, February 9, 2022, the Defendant's motion for a new trial became fully briefed. Although the timing of the Court's ruling on the motion cannot be predicted at this time, the Court will rule as expeditiously as possible. The Court will not delay issuing a ruling if ready to do so simply because an authorized amicus brief is forthcoming.

If NACDL still seeks leave to file an amicus brief, it may submit a renewed motion consistent with this Order.

SO ORDERED.

Dated: February 11, 2022  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN  
United States District Judge



North America Europe Asia

1901 L Street, NW  
Washington, DC 20036  
T +1 202 282 5000  
F +1 202 282 5100

February 9, 2022

**VIA ELECTRONIC MAIL**

Hon. Alison J. Nathan  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2102  
New York, NY 10007

**Re: *United States v. Maxwell, No. 1:20-cr-00330-AJN***

Dear Judge Nathan:

We write on behalf of our client, the National Association of Criminal Defense Lawyers (NACDL), regarding the above-referenced action pending before you. We respectfully request leave from the Court to file a brief *amicus curiae* on the issue of the impact of the post-trial revelations and admissions from Juror # 50 on whether the Defendant in this case received the guaranteed right to a fair trial and what relief is required. Specifically, NACDL would address the increased importance of written or oral *voir dire* in high-profile criminal cases and/or those with sensitive issues central to a case that could reflect a juror's bias or potential for extraneous issues being brought into jury deliberations, the impact of inaccurate answers to questions asked to expose potential bias for further questioning and the exercise of strikes, whether and when a court should consider the deliberateness in a potential juror providing inaccurate information and the process by which such issues should be explored once they have been disclosed.

In support of this request to file a brief *amicus curiae*, proposed amici state the following:

1. NACDL is a nonprofit voluntary professional bar association made up of and working on behalf of criminal defense attorneys to ensure justice and due process for those accused of crime or misconduct.

2. NACDL was founded in 1958. It has a nationwide membership of approximately 10,000 direct members in 28 countries, and 90 state, provincial and local affiliate organizations totaling approximately 40,000 attorneys. NACDL's members include private criminal defense lawyers, public defenders, military defense counsel, law professors, and judges.

3. NACDL files numerous amicus briefs each year in the Supreme Court, the Second Circuit Court of Appeals, and other courts, seeking to provide amicus assistance in cases that present issues of broad importance to criminal defendants, criminal defense lawyers, and the criminal justice system as a whole.

4. "Federal courts have discretion to permit participation of amici where such participation will not prejudice any party and may be of assistance to the court." *Strougo v. Scudder, Stevens & Clark, Inc.*, 1997 WL 473566 (S.D.N.Y. Aug. 18, 1997) (citing *Vulcan Soc'y of NYC Fire Dep't, Inc. v. Civil Serv. Comm'n*, 490 F.2d 387, 391 (2d Cir. 1973)); see also *Auto Club of NY, Inc. v Port Auth. Of New York*, 2011 WL 5865296, at \*1 (S.D.N.Y. Nov. 22, 2011) ("The usual rationale for amicus curiae submissions is that they are of aid to the court and offer insights not available from the parties.")

We, therefore, respectfully request that the Court grant leave to file a brief *amicus curiae* on these important constitutional questions. Counsel for Defendant consent to the filing of this amicus brief. Counsel for the DOJ was called and emailed for its position on February 9, 2022 but has not yet responded. Because the motion for a new trial based on juror misconduct is currently under seal, amici proposes that the Court allow for such brief to be filed within two weeks from the time the Court rules on and provides whatever filings or parts of filings that will become public. If the Court does not unseal any additional information, amici will file a brief using information that is available in the public record.



February 9, 2022  
Page 3

Respectfully,

/s/ Abbe David Lowell

Abbe David Lowell (*NY Bar # 2981744*)  
(*Admitted to SDNY on 04/17/2001 # AL2981*)  
Winston & Strawn LLP  
1901 L Street NW  
Washington, DC 20036  
ADLowell@winston.com  
(202) 282-5875

Christopher D. Man (*Not admitted to NY State Bar*)  
Winston & Strawn LLP  
1901 L Street NW  
Washington, DC 20036  
CMan@winston.com  
(202) 282-5622

Joel B. Rudin (*NY Bar # 1068618*)  
(*Admitted to SDNY on 05/21/1979 # JR5645*)  
Vice Chair, Amicus Curiae Committee, National  
Association of Criminal Defense Lawyers  
Law Offices of Joel B. Rudin, P.C. 600 Fifth  
Avenue, 10<sup>th</sup> Floor  
New York, New York 10020  
jbrudin@rudinlaw.com  
(212) 752-7600

cc: counsel for all parties (via email)